

\*\*E-filed 1/19/2011\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

AGNES BLACKWELL,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE, INC.,

Defendant .

Case Number CV-10-04917-JF

ORDER<sup>1</sup> GRANTING MOTION TO  
DISMISS WITH LEAVE TO AMEND;  
VACATING HEARING DATE

[Re: Docket No. 12 ]

Defendant Wells Fargo Bank, N.A. moves to dismiss all claims for relief in Plaintiff's complaint. Plaintiff alleges violations of the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*, and related state law claims. The Court concludes that this motion is appropriate for determination without oral argument and will vacate the hearing date of January 28, 2011. *See* Civ. L.R. 7-1(b).

Under this Court's Civil Local Rules, Plaintiff's opposition was due at least twenty-one days before the noticed hearing date of January 28, 2011—here, not later than January 7, 2011. *See* Civ. L.R. 7-3(a). As of the date of this order, Plaintiff has not filed opposition papers.

Because the instant motion appears well-taken and is unopposed, the motion to dismiss

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<sup>1</sup> This disposition is not designated for publication in the official reports.

1 will be granted with leave to amend. Any amended pleading shall be filed within twenty (20)  
2 days after the date of this order.

3 **ORDER**

4 For good cause shown,

- 5 (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;  
6 (2) any amended pleading shall be filed within twenty (20) days after the date of this  
7 order;  
8 (3) the hearing date of January 28, 2011 is VACATED.

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10 DATED: January 19, 2011

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12 JEREMY FOGEL  
13 United States District Judge  
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